



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 5
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January 12, 2010

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Re: Maryland Turf Catering Inc.
Case 5-RC-16404

Thank you for your letter of January 7, 2010, in which you requested reconsideration of my decision to hold the above-reference petition in abeyance pending the processing of Case 5-CA-35308.

The unfair labor practice allegations in that charge include the Employer's having denied the incumbent union access to its facility, as well as the Employer's having failed to remit to the incumbent union withheld union dues and fees.

The foregoing conduct, and in particular the denial of access to representatives of the incumbent unit, is conduct that would, if proven, interfere with employees' free choice in an election. See NLRB Casehandling Manual, Section 11730 et. seq.

Accordingly, I find it is appropriate to hold the captioned petition in abeyance pending the outcome of the investigation of the alleged unfair labor practice charge.

Right to Request Review: Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, you may obtain review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001. This request for review must contain a complete statement setting forth the facts and reasons on which it is based.

Procedures for Filing a Request for Review: Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by close of business on **JANUARY 26, 2010**, at 5 p.m. (ET), unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website **is accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for

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review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.¹ A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, select the E-Gov tab, click on E-Filing, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Very truly yours,

Wayne R. Gold
Regional Director

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¹ A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

